

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**
Philadelphia Division

IN RE:

TANIKA S DAVIS

Case No. 19-15607-amc
Chapter 13

Wells Fargo Bank, N.A.,
Movant

vs.

TANIKA S DAVIS,
Debtor

**OBJECTION TO CONFIRMATION
OF DEBTOR'S CHAPTER 13 PLAN**

Wells Fargo Bank, N.A. ("Movant"), by and through its undersigned counsel, files this Objection to Confirmation of Debtor's Chapter 13 Plan (Doc 42), and states as follows:

1. The Debtor's filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on September 10, 2019.

2. Movant holds a security interest in the Debtor's real property located at 8012 Ogontz Avenue, Philadelphia, PA 19150 (the "Property"), by virtue of a Mortgage which is recorded as instrument Number 50675191 in the Public Records of Philadelphia County, Pennsylvania.

3. The Debtor's filed a Chapter 13 Plan (the "Plan") on January 1, 2021.

4. Movant filed a Proof of Claim in this case on September 26, 2019 (Claim No. 2-1) listing a total debt of \$190,718.83 and pre-petition arrears of \$60,336.44..

5. The Plan does not provide for payment of Movant's pre-petition arrears in the amount of \$60,336.44.

6. Movant objects to the Plan as it is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Movant objects to any plan which proposes to pay it anything less than \$60,336.44 as the pre-petition arrearage over the life of the plan.

WHEREFORE, Movant respectfully requests the entry of an Order which denies confirmation of the Plan unless such plan is amended to overcome the objections of Movant as stated herein, and for such other and further relief as the Court may deem just and proper.

/s/ Andrew Spivack
Andrew Spivack (Bar No. 84439)
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Objection to Confirmation of Debtor's Chapter 13 Plan has been electronically served or mailed, postage prepaid on February 23, 2021 to the following:

TANIKA S DAVIS
8012 OGONTZ AVE
PHILADELPHIA, PA 19150

Demetrius J. Parrish, Debtor's Attorney
7715 Crittenden Street, #360
Philadelphia, PA 19118

Scott F. Waterman, Bankruptcy Trustee
2901 St. Lawrence Ave, Suite 100
Reading, PA 19606

United States Trustee, US Trustee
200 Chestnut Street, Suite 502
Philadelphia, PA 19106

/s/ Andrew Spivack
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